

REMARKS

New claims 10-44 are presented for consideration by the Examiner. Claims 1-9 have been canceled in response to the rejections and remarks in the Office Action mailed September 24, 2004, and every ground of rejection has been addressed.

The subject matter in new claims 10-44 is supported in the disclosure, *inter alia*, as indicated in the table below. Accordingly, no new matter has been added.

Claim	Support (<i>inter alia</i>)
10	FIGS. 1-3, claim 1, paragraph 25
11	FIGS. 1-3
12	FIGS. 1-3
13	FIGS. 1-3
14	FIGS. 1-3
15	FIGS. 2-3
16	FIGS. 1-3, paragraph 27
17	FIGS. 4-5, paragraph 26
18	FIGS. 4-5, claim 6
19	FIGS. 4-5, claim 7
20	FIGS. 4-5, paragraphs 13, 23, and 26
21	FIGS. 1-3, claim 1, paragraph 27
22	FIGS. 1-3, paragraph 27
23	FIGS. 1-3
24	FIGS. 1-3, paragraph 27
25	FIGS. 1-3, claim 3
26	FIGS. 4-5, paragraph 26

27	FIGS. 4-5, claim 1, paragraph 26
28	FIGS. 4-5, paragraph 26
29	FIGS. 4-5, claim 6
30	FIGS. 4-5, paragraphs 13, 23, and 26
31	FIGS. 4-5, claim 7
32	FIGS. 1-3
33	FIGS. 4-5, claim 1
34	FIGS. 1-3
35	FIGS. 1-3, paragraph 27
36	FIGS. 4-5, paragraph 26
37	FIGS. 4-5, paragraph 26
38	FIGS. 4-5, paragraph 26
39	FIGS. 1-3, claim 1
40	FIGS. 1-3
41	FIGS. 1-3, paragraph 27
42	FIGS. 4-5, paragraph 26
43	FIGS. 4-5, paragraph 26
44	FIGS. 1-5

I. EXAMINER INTERVIEW WAS HELD

A telephone interview was held with the Examiner on January 24, 2005. The Examiner's remarks were helpful in assisting applicant's counsel in focusing on elements the Examiner considers most promising. A report of the substance of the interview is contained in the remarks below.

The elements discussed in the telephone interview have been incorporated into the independent claims, which is believed to

render said claims allowable for the reasons expressed below.

II. INFORMATION DISCLOSURE STATEMENT

All references cited in the specification have been cited by the examiner on form PTO-892, such that an Information Disclosure Statement is not required.

III. CORRECTIONS TO DRAWINGS AND DISCLOSURE

Responsive to suggestions made by the Examiner in the Examiner interview, applicant respectfully proposes a corrected version of FIGS. 4-5 as submitted herewith in the form of a pen-and-ink sketch showing changes in red ink. FIG. 4 is proposed to be amended by adding reference numerals 7A and 7B referring to the alternating holes as discussed in paragraph 26. Similarly, FIG. 5 is proposed to be amended by adding reference numerals 8A and 8B. Paragraph 26 is also amended herein to include reference numerals 7A, 7B, 8A and 8B.

Regarding the disclosure, amendments to the specification are submitted above to correct various typographical errors and to improve the clarity of the application. Also, a replacement abstract is presented on a separate page. No new matter has been added.

IV. CLAIM SUGGESTIONS

Regarding the suggested changes in the Office Action, the points raised are believed to be addressed by the amendments made herein which are consistent with said suggestions.

V. REJECTIONS OF CLAIMS UNDER 35 U.S.C. 103 ARE TREATED

Claims 1-9 were rejected under 35 U.S.C. § 103 as being unpatentable in view of U.S. Patent No. 6,192,881 to Nix (hereinafter "Nix"), and one or more of the following patents: U.S. Patent No. 3,866,994 to Bonin (hereinafter "Bonin"), U.S. Patent No. 3,493,314 to Krance et al. (hereinafter "Krance), and U.S. Patent No. 6,227,843 to Pederson et al. (hereinafter "Pederson").

Regarding the rejection of the claims under 35 U.S.C. § 103, applicant's counsel has carefully studied the reasoning for the rejection provided in the Office Action, together with the prior art references cited upon. Applicant respectfully submits in good faith that certain aspects of the invention are unanticipated, nonobvious and allowable. Additional subject matter has been incorporated into the remaining independent claims, which is believed to render said claims allowable.

Regarding claim 1, subject matter is required including a plurality of legs for supporting said windscreen body on a surface, each of said plurality of legs comprising a single piece

member having a first end pivotally connected to said windscreen body and a second end for contacting said surface, each of said plurality of legs further comprising a first portion proximal said first end, said first portion forming a stop for contacting said windscreen body to limit rotation of said leg. The Bonin patent discloses a camping unit having legs that are multi piece members and do not form stops for contacting the windscreen body to limit rotation of the legs. Accordingly, the Bonin reference fails to disclose all of the subject matter required in claim 10.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since the Bonin patent and the other prior art references of record do not disclose all of the subject matter required in claim 10, claim 10 is not anticipated. Moreover, there is no teaching or suggestion to arrive at all of the subject matter required by claim 10. Even if a prior art reference could be found which suggests some of the subject matter of claim 10, it would have to suggest specific motivation for combining references to arrive at all of the subject matter of claim 10. The mere fact that the prior art could possibly be modified to make the device of claim 10 does not make the modifications obvious unless the prior art suggests the

desirability of the modification. In re Gordon, 221 U.S.P.Q. 1125, 1126 (Fed. Cir. 1984); In re Grabiak, 226 U.S.P.Q. 870, 872 (Fed. Cir. 1985). Accordingly, claim 10 is believed to be allowable.

Dependent claims 11-20 depend from claim 10, or a claim depending from claim 10, and are therefore believed to be allowable for at least the reasons given in support of claim 10.

Regarding claim 21, subject matter is required including said windscreens body comprising a plate portion and an upward extending edge, said upward extending edge defining an exterior surface, and an interior surface defining a chamber for receiving said burner, said upward extending edge having a non-corrugated circular configuration adjoining said plate portion and a plurality of waves formed in an upper terminal free end of said upward extending edge, said plurality of waves increasing in amplitude from said plate portion to said upper terminal free end, said plurality of waves being configured for producing a plurality of vortices in wind for protecting said flame, wherein said plurality of waves are spaced apart to prevent said interior surface of said upward extending edge from contacting itself.

The Krance patent discloses a candle receptacle in which the sidewall forming flues 10 having mouths 11. As stated in column 2, lines 34-36, air entering the mouths 11 is constrained to flow downwardly into the receptacle interior. Accordingly, the flues

require the interior sidewall to contact itself to form a constrained channel. This is contrary to the requirements of claim 21 in which the waves in the windscreen are spaced apart to prevent the interior surface of the upward extending edge from contacting itself.

Moreover, U.S. Patent No. 5,901,697 to Oliver, Jr. et al. (hereinafter referred to as "the '697 Oliver patent") discloses a corrugated can having exterior ridges 86 with valleys 88 disposed therebetween (see FIGS. 7 and 8, and col. 6, lines 12-16). However, the '697 Oliver patent does not disclose said upward extending edge having a non-corrugated circular configuration adjoining said plate portion, nor does the '697 Oliver patent disclose waves formed in an upper terminal free end of said upward extending edge. Moreover, the '697 Oliver patent does not disclose said plurality of waves increasing in amplitude from said plate portion to said upper terminal free end. It has been recently set forth that the motivating suggestion for combining references must be "**clear and particular**," as was decided in the seminal case of *Winner International Royalty Corp. v. Wang*, No. 53 USPQ.2d 1580 (Fed. Cir. 2000), where the Court held:

"Although a reference need not expressly teach that the disclosure contained therein should be combined with another, see Motorola, Inc. v. Interdigital Tech. Corp., 121

F.3d 1461, 1472, 43 U.S.P.Q.2d 1481, 1489 (Fed. Cir. 1997), the showing of combinability, in whatever form, must nevertheless be 'clear and particular.' In re Dembiczak, 175 F.3d 994, 999, 50 U.S.P.Q.2c 1614, 1617 (Fed. Cir. 1999)."

Winner International Royalty Corp. v. Wang, No. 53 USPQ.2d 1580 (Fed. Cir. 2000). The '697 Oliver patent does not provide a clear and particular teaching of the elements discussed above in claim 21, or a clear and particular motivation for combining references to arrive at the elements required by claim 21. Accordingly, claim 21 is believed to be allowable.

Dependent claims 22-26 depend from claim 21, or a claim depending from claim 21, and are therefore believed to be allowable for at least the reasons given in support of claim 21.

Regarding claim 27, subject matter is required including said plurality of openings are arranged in an alternating configuration such that every other opening extends from an upper portion of said burner, and intermediate openings extend from a lateral portion of said burner. This subject matter is not disclosed, taught or suggested by the prior art of record. For example, U.S. Patent No. 6,289,887 to Oliver, Jr. et al. (hereinafter "the '887 Oliver patent") discloses a burner 23 having pairs of openings 34. All of the pairs of openings are

arranged the same such that the openings are not arranged in an alternating configuration. Moreover, each pair of adjacent openings has an opening that extends from an upper portion of the burner rather than only every other opening extending from an upper portion of the burner. Accordingly, the '887 Oliver patent and the other prior art references of record fail to disclose, teach or suggest all of the subject matter of claim 27, and claim 27 is believed to be allowable.

Dependent claims 28-32 depend from claim 27, or a claim depending from claim 27, and are therefore believed to be allowable for at least the reasons given in support of claim 27.

Regarding claim 33, subject matter is required including a plurality of burners, wherein each of said plurality of burners comprises a conduit having a plurality of openings for releasing said fuel, wherein each of said plurality of burners comprises said plurality of openings arranged in a different configuration, and wherein each of said plurality of burners is configured to be interchangeably attached to the transporter to create said flame in a different configuration. The burners of different configurations, as shown in FIGS 4 and 5, allow for efficient use for either a campfire, or cooking. The prior art references of record each disclose a single burner with a single configuration of openings, rather than an interchangeable burner with openings arranged in a different configuration. Accordingly, the prior

art references fail to teach, disclose, or suggest all of the subject matter required by claim 33, and claim 33 is believed to be allowable.

Dependent claims 34-38 depend from claim 33, or a claim depending from claim 33, and are therefore believed to be allowable for at least the reasons given in support of claim 33.

Regarding claim 39, subject matter is required including a burner positioned above said plate portion of said windscreen body, a plurality of legs, and wherein said campfire device is characterized by an absence of structural features for absorbing heat above said burner such that said campfire device is configured to cool rapidly when said flame is extinguished. The combination of features required by claim 39 is not believed to be disclosed, taught, or suggested by the prior art of record. For example, the Nix patent discloses a device in which the burner channel 11 is not above the plate portion of the windscreen. Moreover, the other references, such as the '887 Oliver patent, disclose logs or grills above the burner that get hot and must be cooled prior to storage of the device. Since the prior art of record fails to disclose, teach or suggest all of the subject matter of claim 39, claim 39 is believed to be allowable.

Dependent claims 40-43 depend from claim 39, or a claim depending from claim 39, and are therefore believed to be

allowable for at least the reasons given in support of claim 39.

Regarding claim 44, it contains all subject matter and limitations as discussed above with regard to claims 10, 21, 27, 33, and 39, such that claim 44 is believed to be allowable for at least the reasons given in support of claims 10, 21, 27, 33, and 39. More specifically, none of the prior art of record teaches or suggests the claim 44 combination of the limitations of a fuel transporter hose and regulator, a windscreen body having a wind-vortex producing wave shaped edge, a tubular burner having upper holes alternating every other hole with other holes positioned in a 45 degree orientation, pivotal legs operating as a stop against the bottom of the windscreen body, interchangeable burners, the wave shaped edge increasing in amplitude from the base to the upper terminal free end, and claim 44 is therefore believed to be allowable.

VI. SEPARATE PATENTABILITY OF DEPENDENT CLAIMS EXPLAINED

Several dependant claims are also believed to be allowable on their own merits and independent of the allowability of their base claims.

VII. CONCLUSION AND AUTHORIZATION OF DEPOSIT ACCOUNT

In view of the foregoing, applicant believes that claims 10-44 are all allowable and the same is respectfully requested. If

any impediment to the allowance of these claims remains after entry of this Amendment, and such impediment could be alleviated during a telephone interview, the Examiner is invited to initiate the same.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 50-0836.

DATED this 24 day of January, 2005.

Respectfully submitted,

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